

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANELL WINFIELD, TRACEY STEWART,  
and SHAUNA NOEL,

Plaintiffs,

- against -

**NOTICE OF MOTION  
TO DISMISS**

15 CV 5236 (LTS)(DCF)

CITY OF NEW YORK,

Defendant.

-----X  
**PLEASE TAKE NOTICE** that upon the annexed Declaration of Vicki Been, dated October 2, 2015; the annexed Declaration of Jasmine M. Georges, dated October 2, 2015, and the exhibits attached thereto; the accompanying Memorandum of Law in support of this motion, dated October 2, 2015; and upon the pleadings herein, the undersigned will move this Court, before the Honorable Laura Taylor Swain, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a time set by the Court, for an order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the First Amended Complaint for lack of subject matter jurisdiction because of plaintiffs' lack of standing, and failure to state a claim upon which relief can be granted, and granting such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to section A(2)(b)(i)(B)(ii) of Judge Swain's Individual Practices, defendant certifies that it has used its best efforts to resolve informally the matters raised in this submission, and that the challenged pleading has been amended in response to the arguments raised in this motion.

**PLEASE TAKE FURTHER NOTICE** that pursuant to section A(2)(b)(i)(B)(iii) of Judge Swain's Individual Practices, plaintiffs have seven (7) days to file a letter with the Court stating plaintiffs' intended course of action in response to the motion. If no letter is submitted, then in accordance with the plaintiffs' So-Ordered letter dated September 4, 2015, plaintiffs' opposition shall be served and filed with the Court by October 30, 2015, and defendant's reply shall be served and filed with the Court by November 13, 2015.

**PLEASE TAKE FURTHER NOTICE**, that in the event that this motion is denied, in whole or in part, defendant respectfully requests thirty (30) days from docketing of the order denying the motion in which to answer the First Amended Complaint.

Dated: New York, New York  
October 2, 2015

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the City of New York  
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TO: **By ECF**  
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